

REMARKS/ARGUMENTS

I.

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-5, 9-11, and 13 are presently active in the application. Claims 6-8 stand withdrawn from consideration as being directed to a non-elected invention. Claim 13 is added by the present amendment. Claim 12 has been cancelled.

Applicant notes with appreciation the examiner's indication that claims 1-5 would be allowable upon the amendment of claim 1 to overcome the rejection on indefiniteness and that claim 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant also notes with appreciation the examiner's acknowledgement of his claim for foreign priority under 35 USC 119(a)-(d) or (f) and receipt of all of the certified copies of the priority documents.

Applicant further notes with appreciation the examiner's acknowledgment and consideration of the references cited in the information disclosure statements filed January 7, 2002 and December 12, 2002.

II.

Claim 10 has been rewritten in independent form to include all of the limitations of the base claim 9. Accordingly, Applicant submits that claim 10 is now allowable. New claim 13 depends from claim 10, and it is therefore allowable along with claim 10. New claim 13 corresponds to original claim 11, but it depends from claim 10 whereas claim 11 depends from claim 9.

III.

Claims 1-5 stand rejected under 35 USC 112, second paragraph, as being indefinite. As suggested by the examiner, the siding board has now been positively included as an element as the claimed combination set forth in claim 1. Accordingly, Applicant requests that the rejection of claims 1-5 under 35 USC 112, second paragraph, be withdrawn.

IV.

Claims 9, 11, and 12 stand rejected under 35 USC 102(b) as being anticipated by Chalmers et al. (U. S. Patent No. 4,288,958). This rejection is respectfully traversed with respect to claims 9 and 11, as presently amended. Claim 12 has been canceled.

As shown, in Figs.1 and 7-9, the starter fitting 1 is adapted to be disposed at the lowest portion of a building and includes supporting portions 12 for supporting lower edge portions 21 of the lowest siding boards of the siding boards on the building. As shown, for example in Figs. 3, 4A and 7, the spacing portions 13 each have a bottom 131 that extends lower than the support portions 12 and the bottom of the planar rear side surface 11. Claim 9 has been amended to point out that the starting fitting is adapted to be disposed in the lowest portion of a building, that the supporting portions support lower edge portions of siding boards, and that the bottom of each of the spacing portions extends lower than the support portions and the bottom of the planar rear side surface. As pointed on page 17 line 27-page 18 line 9 and as shown in Fig. 6, the claimed starter fitting can stably attach the lowest siding board to a furring strip even if the furring strip is shorter than desired. The structure disclosed by Chalmers et al. is not a starter fitting adapted to be disposed in a lowest portion of a building, the element 154 is not a supporting portion for supporting lower edge portions of siding boards, and the ribs 24 do not extend below the bottom of the planar rear surface 26. Accordingly, claim 9 is clearly not anticipated by the applied reference.

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Moreover, the subject matter of claim 9 would not have been obvious from the applied reference.

Claim 11 depends from claim 9. Accordingly, that claim patentably distinguishes over the applied reference for the reasons stated above with respect to claim 9. Moreover, claim 11 includes additional limitations that further patentably distinguish over the applied reference.

V.

In view of the above remarks, Applicant respectfully requests reconsideration and allowance of claims 1-5, 9-11, and 13.

Respectfully submitted,

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